

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF MESSAGE CENTER MANAGEMENT,
INC. (MCM) AND NEW CINGULAR WIRELESS PCS, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER
FACILITY AT 465 HILLS STREET OR 56 HILLS STREET
IN THE TOWN OF EAST HARTFORD, CONNECTICUT

DOCKET NO. _____

February 14 , 2013

APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED



Message Center Management, Inc. ("MCM")
40 Woodland Street
Hartford, Connecticut 06105



New Cingular Wireless PCS, LLC (AT&T)
500 Enterprise Drive
Rocky Hill, CT 06067

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 - A. Description and Design of Proposed Facility including Topographic Map, Aerial Photograph and Drawings
 - B. SHPO Correspondence, DEEP Correspondence, FAA Determination, FAA 2-C Survey Certification and Power Density Analysis
 - C. Visibility Analysis with Distances to Nearest School and Daycare Facilities
 - D. Wetlands Delineation Report
5. Correspondence with the Town of East Hartford¹
6. Certification of Service on Governmental Officials including List of Officials Served
7. Copy of legal notice published twice in the Journal Inquirer, Notice to Abutting Landowners, Certification of Service, List of Abutting Landowners
8. Connecticut Siting Council Application Guide

¹ A Copy of the Technical Report submitted to the Town is included in the Bulk Filing.

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THE TOWN OF EAST HARTFORD

DOCKET NO. _____

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (“CGS”), as amended, and Sections 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (“RCSA”), as amended, Message Center Management (“MCM”) and New Cingular Wireless PCS, LLC (“AT&T”) as the applicants (“Applicants”), hereby submit an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the “Facility”) in the Town of East Hartford. A Facility at *one* of the two candidate locations is a necessary component of AT&T’s wireless network and its provision of personal wireless communications services and will allow AT&T to provide reliable wireless communications services in the vicinity of Hills Street, Oak Street, and other local roads as well as homes and schools in the southeastern area of the Town. The new facility is needed by AT&T in conjunction with other existing facilities to provide service to the public in East Hartford.

B. Executive Summary

AT&T's search for a new wireless facility site in southeastern East Hartford dates back to early 2011. AT&T determined as part of its initial site search that there were no existing tall structures in the search ring. Thereafter, AT&T reviewed larger parcels including, among others, various town owned schools and park sites in East Hartford. Several publicly owned properties were not made available to AT&T by the Town of East Hartford ("Town") and AT&T secured a lease with one private property, 56 Hills Street, East Hartford, for construction of a tower facility ("The Candidate B Facility").

A technical report for the Candidate B Facility was filed with the Town in June of 2011. At that time, AT&T representatives met with the Mayor and other Town officials to discuss the Candidate B Facility. At the request of Town officials, AT&T again explored potential Town owned alternative locations including among others a 38.3 acre property at May Road in East Hartford known as Gorman Park ("Gorman Park"). Town officials initially supported Gorman Park as an alternative site to the Candidate B Facility and as such, AT&T deferred the filing of an application with the Siting Council while it negotiated a lease with Town representatives. AT&T's investigations of Town owned alternatives and Gorman Park took place throughout the Summer, Fall and early Winter in 2011.

In early 2012, the Gorman Park alternative tower site was presented to various Town Council Committees which considered the project. Based on public opposition, in part citing proximity to schools and municipal park facilities, the Town Council Committees decided not to favorably refer consideration of a lease with AT&T for Gorman Park. Subsequent communication among Town officials and AT&T representatives confirmed that the Town

would not proceed with consideration of any Town owned sites as a possible alternative to the Candidate B Facility.

At around the same time AT&T was conducting its site search, MCM had undertaken its own independent search for a potential tower site in the Town of East Hartford. MCM identified and leased a private parcel of land at 465 Hills Street, East Hartford (the “Candidate A Facility”). After the Town’s decision regarding Town owned alternative sites, AT&T and MCM met and collaborated on their site searches and the possibility of joining the two candidates in one application to the Siting Council. AT&T and MCM thereafter agreed to have MCM enter into a lease with the property owners at 56 Hills Street and take over responsibility for the Candidate B Facility.

In October 2012, MCM submitted technical reports for both candidate sites to the Town of East Hartford. A meeting with the Mayor and other Town officials was conducted on November 14, 2012. MCM also appeared before the Town Planning and Zoning Commission that evening. As a result of AT&T and MCM’s consultations with the Town dating back to 2011, a general preference by Town officials has been cited for the Candidate A Facility.

The site of the proposed Candidate A Facility is 465 Hills Street. The proposed facility consists of a new 100’ monopole with evergreen camouflaging (“monopine”) reaching a total height of 107’ and associated unmanned equipment at grade. The tower would be designed for potential expansion up to 120’ AGL. AT&T will mount up to twelve (12) panel antennas and other equipment on a low profile platform at a centerline height of 100’ AGL. A 11.5’ by 20’ equipment shelter and a fixed generator will be installed adjacent to the tower within a 63’ x 75’ gravel compound. The tower compound would be enclosed by an 8’ foot high chain link fence. Vehicular access to the facility would be provided over an approximately 400’ new gravel access

drive from Eagle Court. Utility connections would extend underground from an existing utility pole on Eagle Court.

The site of the proposed Candidate B Facility is 56 Hills Street. The proposed facility consists of a new 100' monopole with evergreen camouflaging ("monopine") reaching a total height of 107' and associated unmanned equipment at grade. The tower would be designed for potential expansion up to 120' AGL. AT&T will mount up to twelve (12) panel antennas and other equipment on a low profile platform at a centerline height of 100' AGL. A 11.5' by 20' equipment shelter and fixed generator will be installed adjacent to the tower within a 50' x 50' gravel compound. The tower compound would be enclosed by an 8' chain link fence. Vehicular access to the facility would be provided first over 280' of an existing access drive and then over an upgraded 250' gravel drive in the location of an existing dirt drive. Utility connections would extend underground from an existing utility pole on site.

Included in this Application and its accompanying attachments are reports, plans, visual materials and other data detailing the need for a new tower site in East Hartford, the proposed sites and the environmental effects associated with each of the Candidates. A copy of the Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included in Attachment 8.

C. The Applicants

Applicant MCM is a Connecticut corporation with offices at 40 Woodland Street, Hartford, Connecticut. MCM owns and/or operates numerous facilities in the State of Connecticut. MCM will construct, maintain and own any tower facility site that may be issued a Certificate and would be the Certificate Holder. Applicant New Cingular Wireless PCS, LLC is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill,

Connecticut 06067. The company's member corporation is licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system, which has been interpreted as a "cellular system", within the meaning of Section 16-50i(a)(6) of the Connecticut General Statutes. The company does not conduct any other business in the State of Connecticut other than the provision of personal wireless services under FCC rules and regulations. AT&T will install, maintain and own its wireless facility components to be incorporated into any Certificate issued by the Siting Council to MCM.

Correspondence and/or communications regarding this Application shall be addressed to the attorneys for the Applicants:

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attention: Christopher B. Fisher, Esq.
Daniel M. Laub, Esq.

A copy of all correspondence shall also be sent to:

Message Center Management, Inc.
40 Woodland Street
Hartford, Connecticut 06105
Attention: Virginia King

AT&T
500 Enterprise Drive
Rocky Hill, Connecticut
Attention: Michele Briggs

D. Application Fee

Pursuant to RCSA Section 16-50v-1a(b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application.

E. Compliance with CGS Section 16-50l(c)

Neither MCM nor AT&T is engaged in generating electric power in the State of Connecticut. As such, the proposed Facility is not subject to Section 16-50r of the Connecticut General Statutes. Furthermore, the proposed Facility has not been identified in any annual forecast reports, therefore the proposed Facility is not subject to Section 16-50l(c).

II. Service and Notice Required by CGS Section 16-50l(b)

Pursuant to CGS Section 16-50l(b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, State, and Federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Attachment 6. Pursuant to CGS 16-50l(b), notice of the Applicant's intent to submit this application was published on two occasions in the Journal Inquirer, the paper utilized for publication of planning and zoning notices in the Town of East Hartford and of general circulation in the area. A copy of the published legal notice is included in Attachment 7. The publisher's affidavits of service will be forwarded upon receipt. Further, in compliance with CGS 16-50l(b), notices were sent to each person appearing of record as owner of a property which abuts the parcels upon which the Candidate Facilities are proposed. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are also included in Attachment 7.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

United States policy and laws continue to support the growth of wireless networks. In 1996, the United States Congress recognized the important public need for high quality wireless communications service throughout the United States in part through adoption of the

Telecommunications Act (the “Act”). A core purpose of the Act was to “provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans.” H.R. Rep. No. 104-458, at 206 (1996) (Conf. Rep.). With respect to wireless communications services, the Act expressly preserved state and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority, and preempted state or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of state and/or local regulatory control over wireless infrastructure and the public’s interest in its timely deployment to meet the public need for wireless services.

Sixteen years later, it remains clear that the current White House administration, The Congress and the FCC continue to take a strong stance and act in favor of the provision of wireless service to all Americans. In December 2009, President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters.²

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.³ In 2009, The Congress directed the FCC to develop a national broadband plan to ensure that every American would have access to “broadband capability” whether

² Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

³ Cong. Rec. H459 (Jan. 25, 2011), also *available at* <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>. Specifically the President stressed that in order “[t]o attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.”

by wire or wireless. What resulted in 2010 is a document entitled “Connecting America: The National Broadband Plan” (the “Plan”).⁴ Although broad in scope, the Plan’s goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.⁵ [internal quotes omitted]

The Plan notes that wireless broadband access is growing rapidly with “the emergence of broad new classes of connected devices and the rollout of fourth-generation (4G) wireless technologies such as Long Term Evolution (LTE) and WiMAX.”⁶ A goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁷

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.⁸ The ability to connect with one another in a mobile environment has proven essential to the public’s health, safety and welfare. As of June 2012, there were an estimated 321.7 million wireless subscribers in the United States.⁹ Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.¹⁰ Other statistics provide an important sociological understanding of how critical access to wireless services has

⁴ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁵ *Id.* at XI.

⁶ *Id.* at 76.

⁷ *Id.* at 25.

⁸ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

⁹ CTIA’s Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2012 Results (Semi-Annual Data Survey Results). See also, “CTIA-The Wireless Association Semi-Annual Survey Reveals Historical Wireless Trend” *available at* <http://www.ctia.org/media/press/body.cfm/prid/2133>.

¹⁰ *Id.*

become. In 2005, 8.4% of households in the United States had cut the cord and were wireless only.¹¹ By 2011, that number grew exponentially to an astonishing 35.8% of all households.¹² Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.¹³

Wireless access has also provided individuals a newfound form of safety. Today, approximately 70% of *all* 9-1-1 calls made each year come from a wireless device.¹⁴ Parents and teens have also benefited from access to wireless service. In a 2010 study conducted by Pew Internet Research, 78% of teens responded that they felt safer when they had access to their cell phone.¹⁵ In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children access to a wireless device is for the safety and protection that these devices offer.¹⁶

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reported in 2011 that global mobile data traffic grew in 2010 at a rate faster than anticipated and nearly tripling again for the third year in a row.¹⁷ It was noted in 2010, mobile data traffic alone was three times greater than all global Internet traffic in 2000. Indeed, with the recent introduction of tablets and netbooks to the marketplace, this type of growth is expected to persist with Cisco projecting that mobile data traffic will grow at a compound annual growth rate (CAGR) of 92% from 2010 to 2015.¹⁸

3. Site Specific Public Need

¹¹ CTIA Fact Sheet (2010), *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10323 *citing* Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January - June 2010, National Center for Health Statistics, December 2010Fact Sheet

¹² CTIA Fact Sheet

¹³ CTIA Fact Sheet

¹⁴ Wireless 911 Services, FCC, *available at* <http://www.fcc.gov/guides/wireless-911-services>

¹⁵ Amanda Lenhart, *Attitudes Towards Cell Phones*, Pew Research, *available at* <http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-3/Overall-assessment-of-the-role-of-cell-phones.aspx>

¹⁶ *Id.*

¹⁷ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.

¹⁸ *Id.*

The Facility proposed in this Application is an integral component of AT&T's network in its FCC licensed areas throughout the state. Currently, a gap in coverage exists in the vicinity of Hills Street, Forest Street, and other local roads as well as the homes and schools in the surrounding area. The proposed Facility, in conjunction with other existing facilities in East Hartford is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. Attachment 1 of this Application includes a Radio Frequency ("RF") Engineering Report by AT&T's consulting engineers with propagation plots and data which identify and demonstrate the specific need for a facility in this area of the State to serve the public and meet its need and demand for wireless services. The Town of East Hartford Fire Department has also indicated that a tower site at 465 Hills Street (the Candidate A Facility) would allow for a valuable addition of needed equipment to the Fire Department's own communications network. Please see January 20, 2013 letter included in Attachment 5.

B. Statement of Benefits

Carriers have seen the public's demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The Facility proposed by MCM would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

Moreover, AT&T will provide "Enhanced 911" services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) ("911 Act"). The purpose of this federal legislation was

to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers' geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN will require wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their networks that include facilities such as the one proposed in this Application.

Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. Indeed,

mobile devices will soon support 911 texting as well as calling.¹⁹ The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

C. Technological Alternatives

The FCC licenses granted to AT&T authorize it to provide wireless services in this area of the State through deployment of a network of wireless transmitting sites. The proposed Facility is a necessary component of AT&T's wireless network. Closing the coverage gap in this area of the State requires technology that can reach a coverage footprint that spans hundreds of acres. Repeaters, microcell transmitters, distributed antenna systems (DAS) and other types of transmitting technologies are not a practicable or feasible means to providing service within the service area for this site. These technologies are better suited for specifically defined areas where new coverage is necessary, such as commercial buildings, shopping malls, and tunnels or highway and urban capacity. Accordingly, AT&T has determined that DAS, repeaters, microcell transmitters and other types of transmitting technologies are not viable as an alternative to the need for a macrocell site in this area of the State. The Applicants submit that there are no effective technological alternatives to construction of a new cell site facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection & Town Consultation; Tower Sharing

A. Site Selection

AT&T's investigation of the area was first guided by benchmark data on gaps in its wireless coverage in East Hartford that was used to establish a "site search area" for the placement of a new facility. This site search area is the general geographical location where the

¹⁹ See, "FCC Chairman Julius Genachowski Announces Commitment by Major U.S. Wireless Carriers & Public Safety Leaders to Accelerate Nationwide Text-to-911 Services; Calls for Continued Engagement with FCC on Next-Generation 9-1-1 Initiatives" *available at*: <http://www.fcc.gov/document/chairman-genachowski-announces-commitments-accelerate-text-911>

installation of a wireless facility would address an identified service problem while still allowing for orderly integration of a site into AT&T's network, based on the engineering criteria of hand-off, frequency reuse and interference and physical terrain in the area. MCM, also aware of the general need for a site in this area of the state, commenced its own independent site search for a facility location in the area of East Hartford where the Candidate Facilities are located.

In any site search area, the Applicants seek to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time ensuring the quality of service provided by the site to users of its network. There are numerous existing communications facilities in the greater area surrounding southeastern East Hartford as identified in Attachment 2. AT&T already uses the majority these sites and these existing sites are outside of the site search area and would not provide reliable coverage to the area where service is needed. AT&T, MCM nor the Town could identify any existing communications facility or tall structure for use by AT&T in serving southeastern East Hartford.

Representatives for AT&T originally identified eleven (11) parcels, including Town-owned lands for a potential tower facility. As part of its initial search AT&T approached the Town about the use of school properties. These overtures were rejected. AT&T ultimately identified the Candidate B location at 56 Hills Street as one that could host a facility and provide some reliable service to the targeted coverage area. AT&T subsequently filed a technical report with the Town of East Hartford in June of 2011. As part the technical consultation with the Town on the Candidate B Facility, the City indicated its desire to make another property available to AT&T as an alternative to the 56 Hills Street property (Candidate B Facility). Various town owned properties were initially discussed and subsequently the property at May Road known as Gorman Park was identified as a potential tower siting alternative by the Town.

Lease negotiations subsequently commenced but were discontinued after April 2012 by the Town in part due to public opposition to use of that property for a wireless tower facility.

Separately, MCM identified 5 parcels for a potential facility and began to move forward with the Candidate A Facility at 465 Hills Street. Subsequent to the Town's decision not to lease the Gorman Park alternative to AT&T, AT&T and MCM collaborated to move forward with an Application for the Candidate A Facility at 465 Hills Street or the Candidate B Facility at 56 Hills Street. MCM signed lease agreements for both the Candidate A and Candidate B Facilities and submitted Technical Reports for both Candidate Facility sites to the Town of East Hartford on October 19, 2012 in advance of this Application.

B. Tower Sharing

Both the Candidate A and B Facilities are designed to accommodate three additional carriers' antennas and ground equipment. The Candidate A and B Facilities would both be capable of tower expansion up to 120' AGL.

V. Candidate Facility Designs

A. Candidate A Facility: 465 Hills Street, East Hartford

MCM has leased a 75' x 75' area on an approximately 11.94-acre parcel of property owned by the Henry J. Krause Revocable Trust (Trustee Heidi McNamar) at 465 Hills Street in East Hartford. The proposed Facility at Candidate A would consist of a 100' AGL high self-supporting "monopole" rising to 107' AGL with proposed "evergreen" camouflage within a 63' x 75' fenced equipment compound located in the central portion of the parcel. The tower would be designed to accommodate expansion, if needed in the future, up to 120' AGL. AT&T would install up to twelve (12) panel antennas and equipment on a platform at a centerline height of 100' AGL and unmanned equipment within the compound. AT&T's installation will also include

a diesel generator for use during power outages and a battery backup required to prevent the facility from experiencing a "re-boot" condition during the generator start-up delay period. The generator's fuel tank would contain approximately 210 gallons of fuel, and would consist of a bladder within a steel containment chamber designed to contain fuel in the unlikely event of a fuel spill. The typical total run time of the backup generator to be used is approximately 48 hours. The compound would be enclosed by an 8' chain link fence.

Both the monopole and the equipment compound are designed to accommodate the facilities of three other wireless carriers and equipment. Vehicle access to the facility would be from Eagle Court by a proposed gravel driveway to the compound. Utility connections would be run underground from an existing distribution pole on Eagle Court. Attachment 3 provides the specifications for the proposed Candidate A Facility and Attachment 3(A) includes a site access map, a compound plan, tower elevation, and other relevant details of the proposed Candidate A Facility. Also included is information regarding environmental compliance (Attachment 3(B)), a Visibility Analysis (Attachment 3(C)) and information related to the assessment of wetlands at the site (Attachments 3(D)). Some of the relevant information included in Attachment 3 (and its sub-tabs) reveals that:

- The property is classified locally in the R-2 zoning district;
- Minimal grading and clearing of the proposed compound area would be required for the construction of the proposed Facility;
- The proposed Facility will have no impact on water flow, water quality, or air quality and;
- Visibility of the tower is limited due to the relatively short height and intervening mature vegetation.

B. Candidate B Facility: 56 Hills Street East Hartford

MCM also has a lease for a 100' x 100' area on an approximately 5.38-acre parcel of property owned by Kenneth and Michelle A. Dedominicis at 56 East Hills Street in East Hartford. The proposed Facility at Candidate B would consist of a 100' AGL high self-supporting "monopole" rising to 107' AGL with proposed "evergreen" camouflage within a 50' x 50' fenced equipment compound located in the central portion of the parcel. The tower would be expandable to 120' AGL. AT&T would install up to twelve (12) panel antennas and equipment on a platform at a centerline height of 100' AGL and unmanned equipment within the compound. AT&T's installation will also include a diesel generator for use during power outages and a battery backup required to prevent the facility from experiencing a "re-boot" condition during the generator start-up delay period. The generator's fuel tank would contain approximately 210 gallons of fuel, and would consist of a bladder within a steel containment chamber designed to contain fuel in the unlikely event of a fuel spill. The typical total run time of the backup generator to be used is approximately 48 hours. The compound would be enclosed by an 8' chain link fence. The compound would be enclosed by an 8' chain link fence.

Both the monopole and the equipment compound are designed to accommodate the facilities of three other wireless carriers and equipment. Vehicle access to the facility would be provided first over an existing drive and then over an existing dirt drive upgraded with gravel to the tower compound. Utility connections would be run underground from an existing distribution pole on site. Attachment 4(A) contains the specifications for the proposed Candidate B Facility including a site access map, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included is environmental compliance information (Attachment 4(B)), a Visual Analysis Report (Attachment 4(C)) and information related to the

wetlands review of the Candidate B Facility (Attachment 4(D)). Some of the relevant information included in Attachment 4 and its sub-tabs reveals that:

- The property is classified locally in the R-2 zoning district;
- Grading and minimal clearing of the access road as proposed would be required for the construction of the proposed Facility;
- The proposed Facility is not anticipated to have an impact on water flow, water quality, or air quality and;
- Visibility of the tower is limited to a modest geographic footprint due to the relatively short height and intervening mature vegetation;

VI. Environmental Compatibility

Pursuant to CGS Section 16-50p, the Council is required to find and to determine as part of the Application process any probable environmental impact of the facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. As demonstrated in this Application and the accompanying Attachments and documentation, neither candidate Facility will have a significant adverse environmental impact.

A. Visual Assessment: Candidate A Facility – 465 Hills Street

It is anticipated that year-round visibility of the proposed 107' AGL monopine at the Candidate A Facility are expected to be confined primarily to locations within approximately 0.3 mile around the host parcel. Approximately 56 residential properties within the 8,042 acre study area would have at least partial, leaf-on views of the Candidate A Facility tower. It is estimated that an additional 78 residential properties would have obstructed views of the monopine through the intervening trees in "leaf off" conditions. Included as Attachment 3(C) is a Visibility

Analysis containing a view shed map and photo simulations of off-site views. As shown in the report and photo simulations, areas of visibility are expected primarily close to the site while distant views will be mitigated by the proposed stealthing and intervening trees. The short overall height, vegetation and camouflage mitigate visibility of the tower such that it will not substantially affect the scenic quality of the neighborhood. Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at the proposed Candidate A Facility site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Visual Assessment: Candidate B Facility – 56 Hills Street

It is anticipated that year-round visibility of the proposed 107' AGL monopine at the Candidate B Facility are expected to be confined primarily to locations within approximately 0.25 mile around the host parcel. Approximately 77 residential properties within the 8,042 acre study area would have at least partial, leaf-on views of the Candidate B Facility tower. It is estimated that an additional 220 additional residential properties would have obstructed views of the monopine through the intervening trees in "leaf off" conditions. Included as Attachment 4(C) is a Visibility Analysis containing a view shed map and photo simulations of off-site views. As shown in the report and photo simulations, areas of visibility are expected primarily close to the site and views would be limited to a modest geographic footprint, due to the relatively short height of the tower and existing vegetation. Similar to the other candidate, the Candidate B Facility has a short overall height, camouflage and intervening vegetation that mitigates its visibility such that it will not substantially affect the scenic quality of the neighborhood. Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at

the proposed Candidate B Facility site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

C. Solicitation of State and Federal Agency Comments

Various consultations with municipal, State and Federal governmental entities and AT&T consultant reviews for potential environmental impacts are summarized and included in Attachments 3, 4 and 5.

SHPO issued correspondence indicating that neither of the Candidate Facilities will have an effect on historical, architectural or archeological resources. The Connecticut Department of Energy and Environmental Protection ("CTDEEP") Natural Diversity Database ("NDDB") maps for both the Candidate Facilities were reviewed and a request for further information submitted to CTDEEP. The eastern box turtle is known to inhabit the area of the proposed Candidate A Facility. The Applicants' consultant All-Points Technology is developing a protective strategy program for the eastern box turtle used successfully on similar projects which will adequately protect this species of special concern should it be encountered on this site. With this program in place, the proposed development will not have an adverse affect on eastern box turtle.

Correspondence from DEEP in 2011 indicated no endangered or special concern species in the area of the Candidate B Facility. Project consultants All-Points Technology expect no change in this status but have requested a supplemental review from DEEP to confirm same. Any correspondence from CTDEEP will be provided to the Siting Council upon receipt.

As required, this Application is being served on State and local agencies that may choose to comment on the Application prior to the close of the Siting Council's public hearing.

D. Power Densities

In August 1996, the FCC adopted a standard for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like those proposed in this Application. To ensure compliance with applicable standards, AT&T’s radio frequency engineering consultants generated maximum power density reports for each Candidate Facility which are included in Attachments 3(B) and 4(B). As demonstrated in these reports, the calculated worst-case emissions from the either of the Candidate Facilities would be 17.57% of the Federal MPE standard.

D. Other Environmental Factors

Either Candidate Facility would be unmanned, requiring monthly maintenance visits approximately one hour long. AT&T will monitor its equipment 24 hours a day, seven days a week from a remote location. Neither of the Candidate Facilities requires water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Further, neither of the proposed Candidate Facilities will create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations other than installed heating and ventilation equipment. Temporary power outages could require the limited use of an on-site diesel fuel generator. Overall, the construction and operation of either Candidate Facility will have no significant impact on the air, water, or noise quality of the area.

Both Candidate Facilities received a determination of no hazard to air navigation from the Federal Aviation Administration (“FAA”).²⁰ These determinations are included in Attachments 3(B) and 4(B). No registration with the FAA is required for either Candidate Facility.

²⁰ Please note the latitude and longitude coordinates provided to the FAA for the Candidate B Facility determination are slightly different than those of the final proposed tower location. The difference is *de minimus* (approximately 7 feet) and well within FAA-2C tolerances.

Review of the Candidate Facilities in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA") are ongoing. Neither Candidate Facility site was identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Further, according to the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by the proposed Facility.

VII. Consistency with the Town of East Hartford's Land Use Regulations

Pursuant to the Council's Application Guide, included in this section is a summary of the consistency of the project with the local municipality's zoning and wetland regulations and plan of conservation and development. A description of the zoning classification of each Candidate Facility site and the planned and existing uses of the proposed site location are also detailed in this Section.

A. East Hartford's Plan of Conservation and Development

The Town of East Hartford Plan of Conservation & Development ("Plan"), effective May 2003 is included in the Bulk Filing. This document does not address the provision of wireless telecommunications facilities as a land use. In general East Hartford is described therein as predominantly a residential community consisting of a variety of housing in an overall suburban setting. Plan p. 11. The Hills Street area is described as being part of "Rural East Hartford".

B. East Hartford's Zoning Regulations and Zoning Classification

Both Candidate Facility sites are classified in the Town of East Hartford's R-2 Zoning District. The entire southeastern area of East Hartford, the area where service is needed and where the two Candidate Facilities are proposed, is classified under local zoning as residential

(green and blue shaded areas) as provided in the Zoning Map included in the Bulk Filing and duplicated in Figure 1 here:

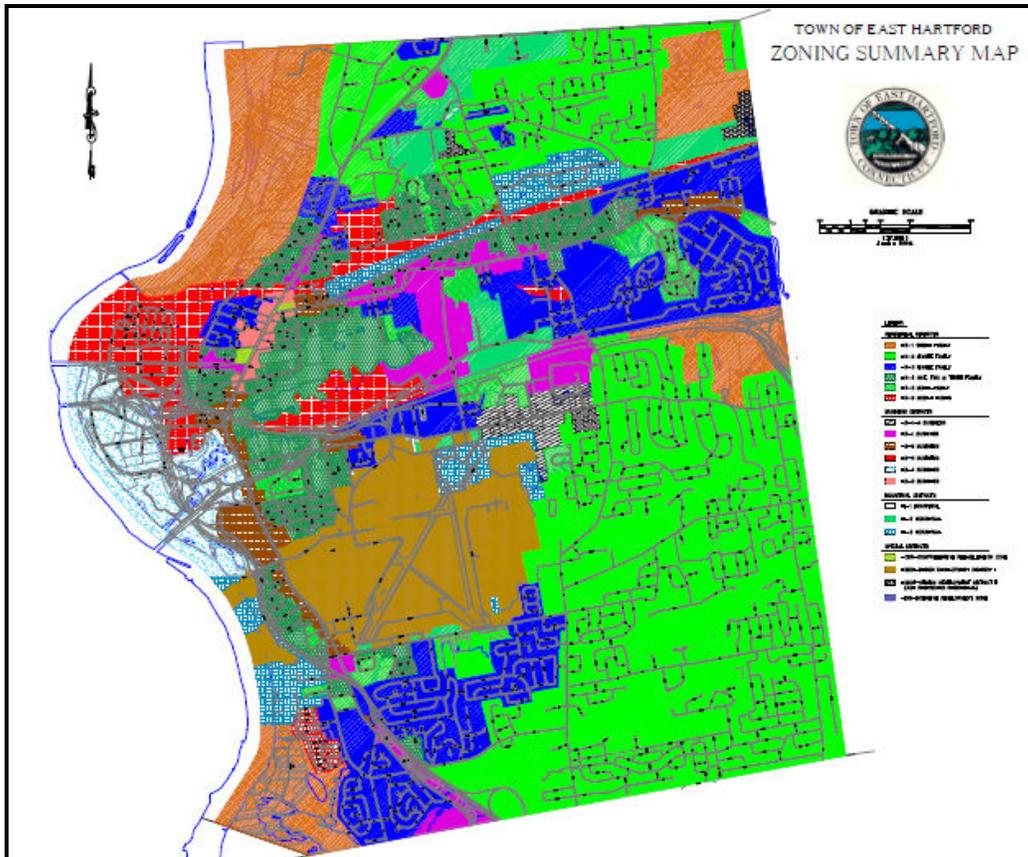


Figure 1: Image capture of Town of East Hartford Zoning Summary Map dated June 24, 2009 (residential zones depicted in blue and green). The area of need and the proposed Candidate Facilities are in the southeast section of Town.

The Town's Zoning Regulations set forth provisions indicating that a wireless telecommunications facility such as the ones proposed are not permitted uses on properties classified in a residential zoning district. (See Town of East Hartford Zoning Regulations, Section 225.5 included in Applicants' Bulk Filing). Section 225 of the Zoning Regulations also set forth standards for wireless telecommunications facilities and the consistency of the proposed Facilities with these standards is illustrated in the table below. The first two columns include the

requirements of the Zoning Regulations and the third column applies these standards to the proposed Candidate Facilities.

C. Local Zoning Standards and Dimensional Requirements

Section from the Zoning Regulations	Standard	Proposed Candidate Facilities
225.1	<p>The physical support structures for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed below in order of preference:</p> <ul style="list-style-type: none"> a. On existing structures, such as non-residential buildings, water towers and utility poles. b. On existing or previously approved non-conforming/conforming rooftops and conforming towers with the exception of ham radio installations in single, two and three family detached dwellings. c. On new towers in Industrial and Business Zones. 	<p>The proposed Candidate Facilities are monopine towers located on properties classified in a residential zoning district.</p>
225.4	<p>No commercial wireless telecommunication structure shall be located within five hundred (500) feet of a school or public playground attended by persons primarily under eighteen (18) years of age.</p>	<p>Neither Candidate Facility is located within 500' of the resources cited.</p>
225.5	<p>No commercial wireless telecommunication site shall be located within two hundred (200) feet of a residential zone.</p>	<p>Both Candidate Facilities are located on properties classified in residential zoning districts.</p>
225.6	<p>All towers shall be monopole design structures unless otherwise approved by the Commission.</p>	<p>The towers for both Candidate Facilities are monopole designs incorporating evergreen style camouflaging.</p>

225.7	No lights shall be permitted on, or at, proposed towers unless otherwise required by F.A.A. for navigation purposes. Strobe lighting shall be permitted only where required by applicable regulations.	No lights are proposed or required for either Candidate Facility.
225.8	Dish antennae shall not exceed six (6) feet in diameter when mounted more than six (6) feet above grade. Panel antennae shall not exceed five (5) feet in height.	The Town of East Hartford Fire Department may require a 2' dish. AT&T's antennas would be longer than 5'.
225.9	No proposed commercial wireless telecommunication site shall be designed, located or operated so as to interfere with existing or proposed public safety communications, or reception of licensed broadcast band radio and television.	Neither Candidate Facility will interfere with public safety communications.
225.10	The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the F.C.C. for non-ionizing electromagnetic emissions. In the absence of such standards, the site shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.	Both Candidate Facilities, as designed, comply with the F.C.C. for non-ionizing electromagnetic emissions.
225.11	All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.	The proposed generators at either Candidate Facility will comply with all applicable noise regulations.
225.12	All accompanying equipment, buildings or boxes shall be screened and fenced as required by Section 702: Development Review and Approval process (Section 702 outlines the Site Plan Approval process of the Planning Commission).	The proposed compound at each Candidate Facility includes fencing. No additional screening is proposed given the minimal off-site visibility of the equipment compounds but can be incorporated as the Siting Council may deem necessary.

D. Planned and Existing Land Uses

Properties in the area immediately surrounding the subject site include single-family residential homes and open space. Consultation with municipal officials did not indicate any planned changes to the existing or surrounding land uses.

E. East Hartford's Inland Wetlands and Watercourses Regulations

The Town of East Hartford's Inland Wetlands Regulations ("Local Wetlands Regulations") regulate certain activities conducted in "wetlands" and "watercourses" as defined therein.

At Candidate A, two wetland areas were delineated as explained in the Wetlands Delineation Report included as Attachment 3(D). Wetland 1 is 175' to the north of the proposed facility and is a confined, unnamed perennial stream located in an outwash flowing from east to west across the host parcel and is a tributary to Porter Brook. Wetland 2 is 700' to the south and is a forested hillside wetland "seep" originating from behind a number of residential properties located along the southeast corner of the host parcel draining westward towards Mallard Drive. No adverse impacts to these wetlands is anticipated given the location of the proposed Candidate A Facility in between the two wetlands and the access route which will not go through or disturb these areas.

At Candidate B, one small, isolated wetland area was delineated in the north end of the host parcel in a forested area with residences to the west, north and east as explained in the Wetlands Delineation Report included as Attachment 4(D). No impact is anticipated to this wetland as it is 378' from the disturbance associated with the proposed project.

In accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation, soil erosion control measures and other best

management practices would be established and maintained throughout the construction of either Candidate Facility. No adverse impact to wetland or water resources is anticipated given these erosion control measures and other best management practices will be implemented.

VIII. Consultation with Local Officials

Technical consultations with the Town of East Hartford regarding the proposed tower facility were commenced on June 20, 2011 by AT&T for what became the Candidate B Facility at 56 Hills Street. Subsequently, Message Center Management and AT&T agreed to pursue sites in East Hartford jointly and on October 19, 2012 MCM commenced a technical consultation with the Town of East Hartford with the submission of technical reports for both Candidate A and B Facilities (465 Hills Street and 56 Hills Street respectively). A meeting with municipal officials including the Mayor took place on November 14, 2012 to review details and answer questions related to both proposed sites. MCM also appeared before the Planning and Zoning Commission for the same purpose. See Municipal Correspondence, Attachment 6.

As part of the Applicants’ consultation, the Town of East Hartford Fire Chief provided a letter supporting a site at 465 Hills Street (Candidate A) indicating that a facility at that location would have a “substantial positive impact” for the fire department and its own communications network. MCM would provide space on the tower and within the compound to the Town of East Hartford at no cost.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Candidate Facilities is estimated to be the same or similar and is as follows:

Tower & Foundation	\$ 168,000
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Site Development	\$ 32,000
Utility Installation	\$ 39,000
Facility Installation	\$ 19,000
Antennas and Equipment	\$ 250,000
Total Estimated Costs:	\$ 508,000

B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the Town of East Hartford. The site preparation phase for either Candidate Facility is expected to be completed within three (3) to four (4) weeks. Installation of the monopole, antennas, associated equipment and utilities is expected to take an additional two (2) weeks. Final grading and fence installation will be an additional 2 weeks. The duration of the total construction schedule is approximately eight (8) weeks. Facility integration and system testing by AT&T can be expected to require an additional two (2) weeks after tower construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists in this portion of the Town of East Hartford and surrounding areas for the provision of AT&T's wireless services to the public. The foregoing information and attachments also demonstrate that neither of the Candidate Facilities proposed will have any substantial adverse environmental effects. The Applicants respectfully submit that the public need for a facility outweighs any potential environmental effects resulting from the construction of either Candidate Facility. As such, the Applicants respectfully request that the Council grant a

Certificate of Environmental Compatibility and Public Need for one of the proposed Candidate
Facilities in the Town of East Hartford.

Respectfully Submitted,

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